

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION (COLUMBUS)**

TIMOTHY SKAGGS

Plaintiff

-v-

**METROPOLITAN LIFE INSURANCE
COMPANY, et al.**

Defendants.

Case No. 2:16-cv-1099

Judge Marbley

Magistrate Jolson

**PLAINTIFF TIMOTHY SKAGGS'S MO-
TION FOR LEAVE TO FILE AN AMEND-
ED COMPLAINT**

Plaintiff Timothy Skaggs, through Counsel, hereby moves this Court for an order allowing him pursuant to Civ. R. 15(a)(2) to amend his Complaint. The reasons for Plaintiff's Motion are fully contained in the foregoing Memorandum in Support. This Motion is being filed *unopposed* pursuant to Local Rule Civ. Pro. 7.3(b) after speaking with respective Defendants' Counsel.

WHEREFORE Plaintiff Timothy Skaggs respectfully requests this Court permit him leave to Amend his Complaint and for all other relief this Court may deem just and proper. A copy of the Amended Complaint is attached as Exhibit A to this Motion.

Respectfully Submitted,

/s/Brian D. Flick, Esq.

Brian D. Flick, Esq. 0081605

Marc E. Dann, Esq. 0039425

THE DANN LAW FIRM

PO Box 6031040

Cleveland, OH 44103

(216) 373-0539

(216) 373-0536 e-fax

notices@dannlaw.com

Co-Counsel for Plaintiff Timothy Skaggs

Michael J. O'Reilly (0019892)

Andrew C. Clark (0083519)

O'REILLY LAW OFFICES
30 Hill Road South
Pickerington, Ohio 43147
Phone: (614) 833-3777
Fax: (866) 257-8939
E-mail: michael@oreillylawyers.com
Co-Counsel for Plaintiff Timothy Skaggs

MEMORANDUM IN SUPPORT

This matter is before the Court on Plaintiff Timothy Skaggs's ("Plaintiff") Motion for Leave to Amend his Complaint filed on November 15th, 2016 against Defendants Metropolitan Life Insurance Company, Bayview Loan Servicing, LLC, Wells Fargo Bank, N.A. successor by merger to Wachova Bank, N.A., Reimer Arnovitz Cherek & Jeffery Co. LPA, US Bank, N.A. as Trustee for Bayview Opportunity Master Fund IIIB NPL Remic Trust 2016-B, Clearspring Loan Services, Inc., John Doe, Jane Doe, and Janie Doe ("Defendants") pursuant to Civ. R. 15(a) (2).

As this Court is aware all known Defendants have filed their respective Motions to Dismiss (Met Life, Doc. No. 35; Bayview Loan Servicing, Doc. No. 37; US Bank, N.A. as Trustee, Doc. No. 39; Reimer, Doc. No. 47; and Clearspring, Doc. No. 49) which the Plaintiff has responded to (Docs. No. 50, 54, and 55 respectively). Defendants Met Life, Bayview, US Bank, N.A. as Trustee and Reimer have filed their sur-reply in support (Doc. No. 60) and Defendant Clearspring has filed its sur-reply in support (Doc. No. 61). In Defendant Clearspring's Motion to Dismiss, Defendant Clearspring makes references that the Mortgage has purportedly been transferred to Atlantica LLC and/or servicing has been transferred to Alta Chutes I, LLC. *See Defendant Clearspring's Motion to Dismiss*, Doc. No. 49 at pp. 4-5. While a review of the Franklin County Recorder's Online records does not show any recorded assignment of mortgage since the loan was acquired by Defendant Met Life, the Plaintiff seeks to amend his Complaint to add Atlantica LLC and Alta Chutes I, LLC as necessary parties to this action.

The proposed Amended Complaint is attached as Exhibit A. Neither the Plaintiff nor his Counsel believes the Amended Complaint unduly burdens any of the Defendants. The proposed additional defendants, Atlantica LLC and Alta Chutes I LLC, are being added as necessary par-

ties to Counts One and Two. Plaintiff's addition of counts relating to the failure of Defendants Bayview and Clearspring to provide required notices to Plaintiff relating to the change of investor were only recently discoverable by Plaintiff. Whether or not each respective Defendant is liable under the asserted Counts in the Complaint or Amended Complaint is subject to the above-referenced Motions to Dismiss and the Plaintiff, in the interest of judicial economy, does not wish to disturb that briefing.

WHEREFORE Plaintiff Timothy Skaggs respectfully requests this Court permit him leave to Amend his Complaint and for all other relief this Court may deem just and proper. A copy of the Amended Complaint is attached as Exhibit A to this Motion.

Respectfully Submitted,

/s/Brian D. Flick, Esq.

Brian D. Flick, Esq. 0081605

Marc E. Dann, Esq. 0039425

THE DANN LAW FIRM

PO Box 6031040

Cleveland, OH 44103

(216) 373-0539

(216) 373-0536 e-fax

notices@dannlaw.com

Co-Counsel for Plaintiff Timothy Skaggs

Michael J. O'Reilly (0019892)

Andrew C. Clark (0083519)

O'REILLY LAW OFFICES

30 Hill Road South

Pickerington, Ohio 43147

Phone: (614) 833-3777

Fax: (866) 257-8939

E-mail: michael@oreillylawyers.com

Co-Counsel for Plaintiff Timothy Skaggs

CERTIFICATE OF SERVICE

I hereby certify that on April 24, 2017, a copy of the foregoing was filed electronically via the Court's CM/ECF System. Notice of this filing will be sent by operation of the Court's CM/ECF System to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's CM/ECF System.

/s/ Brian D. Flick
Brian D. Flick (0081605)
Marc E. Dann (0039425)
THE DANN LAW FIRM CO., L.P.A.
Co-Counsel for Plaintiff